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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

JULIO A. BELTRAN,

Defendant and Appellant.

2d Crim. No. B204402
(Super. Ct. No. 2004049326)
(Ventura County)

ORDER MODIFYING OPINION AND
DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on February 17, 2009, be modified as follows:

1. On page 3, the fourth sentence of the fourth paragraph that reads, "Just before appellant shot Antonio, another man entered Super Antonitos, looked around, went to Antonio's table, and nodded at appellant," is deleted and replaced with the following sentence: "Shortly before appellant shot Antonio, another man entered Super Antonitos, looked around, went to Antonio's table, and nodded at appellant."

2. On page 3, the fifth sentence of the fourth paragraph that reads, "Appellant then entered the restaurant, approached Antonio, and shot him several times in rapid succession from a distance of five or six feet," is deleted and replaced with the following sentence: "Within the next twenty minutes, appellant approached Antonio just

outside the restaurant, and shot him several times in rapid succession from a distance of five or six feet."

There is no change in the judgment.

Appellant's petition for rehearing is denied